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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Open-ended inter-sessional ad hoc working group
on a permanent forum for indigenous people
Geneva, 14-23 February 2000

Provisional agenda

1. Election of officers.

2. Adoption of the agenda.

3. Organization of work.

4. Proposals for the possible establishment of a permanent forum for indigenous people:

   (a) Mandate and terms of reference for the activities to be undertaken by the forum;

   (b) Membership;

   (c) Financial and secretariat implications;

   (d) The United Nations body to which the proposed forum would report;

   (e) Location of forum;

   (f) Name of forum;

   (g) Other matters.

5. Participation of indigenous people in the work of the United Nations system, including the role and function of the Working Group on Indigenous Populations.

6. Follow-up.

7. Report to be submitted to the Commission on Human Rights at its fifty-fifth session.

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Open-ended inter-sessional ad hoc working group
on a permanent forum for indigenous people
Geneva, 14-23 February 2000
Item 4 of the provisional agenda

PROPOSALS FOR THE POSSIBLE ESTABLISHMENT OF A PERMANENT FORUM FOR INDIGENOUS PEOPLE

Working paper on the consultations held by the Chairman-Rapporteur of the first meeting of the open-ended inter-sessional ad hoc working group on the establishment of a permanent forum for indigenous people submitted pursuant to Commission on Human Rights resolution 1999/52

Executive summary and recommendations

In the present report a number of recommendations are made based on the consultations held with governmental and indigenous representatives and experts by the Chairman-Rapporteur of the open-ended inter-sessional ad hoc working group on the permanent forum for indigenous people. It was not possible to reach a common view on all important matters relating to the permanent forum. On a number of issues widely varying views were expressed. The Chairman-Rapporteur saw it as his task to present compromise recommendations with a view to building a consensus. Such a consensus may perhaps not be reached at once. During the consultations it became clear that it would not be possible to find a "single solution" for a number of outstanding questions.

It is for this reason that the single most important recommendation of this report is to set up the permanent forum for a trial period of two or three years. After an in-depth assessment of the working methods, results, procedures and experiences during this period more definitive decisions can be taken.

GE.99-16361 (E)

RECOMMENDATION I

The forum should be established for a trial period. This phase could be between one and three years.

RECOMMENDATION II

If the Commission on Human Rights and the Economic and Social Council decide to create the forum and to maintain, at least for the moment, the mandate of the Working Group on Indigenous Populations, the forum and the Working Group could meet "back to back".

RECOMMENDATION III

The mandate of the permanent forum should be modelled on that of the Economic and Social Council (Articles 62 and 63 of the Charter of the United Nations).

RECOMMENDATION IV

The aspect of a rights-based approach could be added, as long as this aspect is not exclusive.

RECOMMENDATION V

(a) The permanent forum should be established as an advisory body on indigenous issues.

(b) The parent body (bodies) should not take decisions with regard to indigenous issues without requesting the advice of the forum.

(c) The permanent forum can give advice on all questions within the mandate of the Economic and Social Council that have a direct or indirect relationship with indigenous issues.

(d) Decisions with regard to the substance - i.e. advice given to the parent body (bodies) - shall be taken without a vote.

(e) The forum can take decisions with regard to its own procedure by simple or two thirds majority.

RECOMMENDATION VI

(a) The permanent forum should be set up as an advisory body to the Economic and Social Council.

(b) It may exercise its advisory role either directly or indirectly (i.e. through any of the other subsidiary bodies of the Economic and Social Council).

(c) If the advice is requested expressly by the Economic and Social Council or one of its subsidiary bodies, the advice will be given to the body indicated in the request.

(d) If the initiative for the advice stems from the forum, it shall be given to the Economic and Social Council and/or such subsidiary bodies of the Council as deemed appropriate by the forum.

(e) The forum may send its advisory opinions to one or more subsidiary bodies of the Economic and Social Council.

(f) On questions of its own procedure, where necessary and/or appropriate, the forum shall send draft decisions directly to the Economic and Social Council for endorsement.

RECOMMENDATION VII

(a) Decisions on procedural matters, on such issues as the name should be taken only for the initial period.

(b) In this initial phase, an Assembly on Indigenous Issues should be requested to elect/select a Permanent Forum on Indigenous Issues.

(c) The Forum on Indigenous Issues should consist of an equal number of members selected by governmental representatives and members selected by indigenous participants.

(d) The membership of the Forum on Indigenous Issues should reflect the geographical and cultural diversity of the world in an equitable manner.

(e) The Forum on Indigenous Issues should have between 20 and 30 members.

(f) The Forum on Indigenous Issues can invite experts to participate in its meetings on a case-by-case basis.

(g) The Assembly and Forum on Indigenous Issues should meet annually and jointly in Geneva.

(h) The secretariat of the Forum on Indigenous Issues could be located in the Office of the High Commissioner for Human Rights.

(i) The Forum on Indigenous Issues should propose its own rules of procedure, taking into account its specificity and dual membership. Office-holders (Chair, Vice-Chair and Rapporteurs) should exercise their positions jointly.

(j) At the end of the initial phase, the idea of the "ILO model" should be fully considered, preferably on the basis of concrete proposals.

(k) In its initial phase the Forum on Indigenous Issues should be financed through voluntary contributions. Thereafter, it should be financed from the regular budget of the United Nations.

Introduction

Background and mandate of the working group

1. In 1998, the Commission on Human Rights created an ad hoc working group that was asked to study the possible establishment of a permanent forum for indigenous people (resolution 1998/20) and requested the working group to submit its report, including proposals, to the Commission at its fifty-fifth session. The creation of the ad hoc working group stemmed from a number of resolutions of the Commission on Human Rights (1994/28, 1995/30, 1996/41, 1997/30) and the General Assembly (49/214, 50/157, 51/78, 52/108). At the World Conference on Human Rights in Vienna in 1993 the possible establishment of a permanent forum was discussed. That discussion was reflected in the Vienna Declaration and Programme of Action which recommended that the General Assembly consider the establishment of a permanent forum in the framework of the activities of the International Decade of the World's Indigenous People (Part II, para. 32).

Consultations

2. The ad hoc working group met in Geneva from 15 to 19 February 1999 (see E/CN.4/1999/83). Much work was completed during the meeting, but the participants were not able to reach full agreement on the procedure for and modalities of a permanent forum. However, by identifying "building blocks for a future consensus", the differences were narrowed down enough for the Commission on Human Rights to decide, in its resolution 1999/52, to re-establish the ad hoc working group to complete the task. The Commission entrusted the Chairman-Rapporteur of the first working group with the task of consulting both with governmental and indigenous representatives in order to prepare for the second meeting of the working group. With a view to hearing the views of the largest number of interested parties, consultations were held during the seventeenth session of the Working Group on Indigenous Populations in July 1999. The Chairman-Rapporteur held open-ended meetings with governmental representatives, as well as with the indigenous caucus. In addition, he met with a number of representatives and experts individually to hear their views.

Recommendations

3. The present report discusses a number of issues that need to be resolved before it is possible to establish a permanent forum. The body of the report contains a number - but certainly not all - of the views that were put forward during the consultations. The reason for this is that it is not the aim of the present report to reflect the widest variety of views on the establishment of the permanent forum. If some of the views that were expressed are not reflected, this obviously does not mean that those ideas are not interesting. It merely means that those ideas did not "fit in"; in other words, in the Chairman-Rapporteur's view, those ideas could not be used - at present - as "building blocks" for an emerging consensus.

4. Mention should be made of how the process should continue from here. It seems advisable that the process of establishing a permanent forum should include a trial period. It would be helpful if the forum could meet several times before the end of the International Decade of the World's Indigenous People. The number of sessions to be held will have to be decided, but two or three sessions of one week could provide the Commission on Human Rights and the Economic and Social Council with enough information to enable these bodies to conduct a full assessment of the methods of work, proceedings, goals and results of the forum. Such an evaluation should result in a set of further recommendations to enhance the work of the permanent forum as a cornerstone of the United Nations system. It is not to be excluded that a number of the ideas that are not contained in the present report may at that point be shown to be helpful in solving problems that will have arisen in the interim.

5. The present report aims to provide a starting point for the initiation of a permanent forum, and is not intended as a prescription for a longer period of time. The reason for this is that the permanent forum will by its nature be a completely new type of body within the United Nations system: it will give common responsibility to governmental and indigenous representatives.

6. An additional reason for organizing the permanent forum on a trial basis initially is because of the concern expressed during the consultations about the possible overlap of the forum with the Working Group on Indigenous Populations (WGIP) of the Sub-Commission on the Promotion and Protection of Human Rights. A number of governmental representatives stated that if a forum were to be established the Working Group should be abolished. On the other hand, a number of representatives, mostly indigenous, expressed the view that abolition of the Working Group on Indigenous Populations would endanger the many achievements of that body which, in their view, had proven to be very useful.

7. Although, strictly speaking, consideration of the future of WGIP is not part of the mandate either of the ad hoc working group or of the Chairman-Rapporteur, the establishment of the forum could have consequences for other United Nations bodies working in this field. In order not to prejudge the effectiveness of any of the bodies concerned, a full assessment of them should take place. For that reason a trial period during which the permanent forum was being developed would allow time to assess thoroughly the added value of both WGIP and the permanent forum. The questions whether both bodies should remain, whether they should be merged, or whether there is place only for one of them can best be dealt with through an assessment of their respective merits and contributions.

8. Some delegates suggested that meetings of the Working Group and the forum should be held "back to back", whereas others suggested that the members of WGIP should automatically become advisory members of the forum. This last suggestion seems to imply that WGIP should be converted into the forum.

9. The trial period proposed for the forum has some consequences for its initial phase. These aspects will be dealt with further below.

RECOMMENDATION I

The forum should be established for a trial period. This phase could be between one and three years.

RECOMMENDATION II

If the Commission on Human Rights and the Economic and Social Council decide to create the forum and to maintain, at least for the moment, the mandate of the Working Group on Indigenous Populations, the forum and the WGIP could meet "back to back".

I. THE MANDATE OF THE FORUM

10. Many delegations expressed the view that the most important questions deal with the mandate and tasks of the forum. The main divergence of views existed on the question of whether the forum should confine itself to a "rights-based-approach" or whether it should have a broad mandate ("ECOSOC-based"). The answer to this question obviously has a bearing on the place the forum should have within the system.

11. While the questions mentioned in the previous paragraph certainly have some degree of importance, the practical implications should not be overestimated. At present, the concept of "human rights" is a broad one. Many issues that are typically and traditionally dealt with in different places within the United Nations system can be approached from a (human) rights angle. The problems surrounding health care, education and food supply, for instance, are treated within the World Health Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Children's Fund, Food and Agriculture Organization and World Food Programme. However, if these questions are defined somewhat differently as pertaining to the right to life, the right to health, the right to education and the right to food, the competence of the Commission on Human Rights can be clearly established.

12. In fact, all social and economic questions have a clear relationship to (human) rights, as the implementation of (human) rights has clear and unequivocal links with social and economic (developmental) questions. The divergence mentioned in paragraph 10 is thus rather a question of a starting point than a matter of principle.

13. Sometimes the argument is advanced that the mandate of the ad hoc working group stems from the Commission on Human Rights and that the main focus of the ad hoc working group and the permanent forum should therefore be on matters relating to human rights. Taking into account the broadening agenda of the Commission and the outcome of the first meeting of the ad hoc working group, it is clear that a broad rather than a narrow mandate for the permanent forum is likely to meet with consensus.

14. A number of indigenous representatives held the view that conflict settlement should be included in the mandate of the forum, notably in cases where conflicts arise between States and indigenous peoples. Both for procedural and for substantive reasons most, if not all, governmental representatives opposed this view. The procedural point made - such a mandate

would contradict the Charter of the United Nations (Chapters VI and VII) - leads to the conclusion that this step cannot be taken without the involvement (and agreement) of the major policy-making bodies of the United Nations. As this would inevitably delay the process of establishing the permanent forum and could even risk ending it, such a step should not be considered at present.

15. Another question related to the nature of the permanent forum. As the forum will be dealing with all issues that have an effect on the life of indigenous individuals, peoples and communities, a purely thematic approach may be ill-suited as a means of addressing all the issues at stake.

16. Taking into account the arguments used at, and the outcome of both the first meeting of the ad hoc working group and the consultations, it seems that the majority view is that the mandate of the forum should be closely linked to that of the Economic and Social Council as laid down in the Charter of the United Nations.

RECOMMENDATION III

The mandate of the permanent forum should be modelled on that of the Economic and Social Council (Articles 62 and 63 of the Charter of the United Nations).

RECOMMENDATION IV

The aspect of a rights-based approach could be added, as long as this aspect is not exclusive.

II. AN ADVISORY OR A POLICY-MAKING BODY, AND THE QUESTION OF VOTING

17. The decision-making process was the subject of a long and interesting discussion. The problems discussed are so intertwined, that it is necessary to deal with these questions in one chapter of this report. Despite the differences of views, it seems that, on the basis of the consultations, there is room for a compromise formula that takes into account most of the arguments brought forward.

18. The questions of how to arrive at decisions and on what issues decisions should be taken, and to what effect, are inherently related to that of the nature of the forum.

19. As it is impossible to reflect the full debate in this report, only a brief summary of the positions expressed will be given.

20. The preference of nearly all indigenous representatives was to establish the permanent forum as a policy-making body. The vast majority of governmental representatives had serious objections to such an approach. It was argued that decisions taken by the forum could have ramifications in other areas, unrelated to indigenous issues, and could have financial consequences. Decisions with such ramifications and consequences would have to be endorsed

by other bodies (e.g. the Economic and Social Council and the Fifth Committee of the General Assembly) in which indigenous peoples are not represented. Thus, by claiming for itself a policy-making role, the forum could very well end up making itself "toothless".

21. As the permanent forum is likely to be a body in which representatives of Governments and indigenous peoples are participating on an equal - or equitable - footing, it was pointed out that difficulties might arise if decisions were taken through a system of voting.

22. It was pointed out that a distinction would have to be made with regard to the decision-making process on substantive and on procedural questions. On matters of procedure (Do the rules of procedure of the Economic and Social Council apply? How should possibly different rules of procedure be drawn up?), some remarks are made below.

23. On the basis of the consultations, a compromise solution for the outstanding questions can be proposed. This compromise solution should not be seen as the sole possibility, but rather as indicating the direction for finding a formula acceptable by all. On this particular matter, it is useful to reiterate that the forum should be created in a manner flexible enough to adapt, where necessary, to future developments. After a full assessment of the initial and trial phase, adaptations could be made quite easily in order to permit the forum to have the maximum impact on indigenous issues.

RECOMMENDATION V

(a) The permanent forum should be established as an advisory body on indigenous issues.

(b) The parent body (bodies) should not take decisions with regard to indigenous issues without requesting the advice of the forum .

(c) The permanent forum can give advice on all questions within the mandate of the Economic and Social Council that have a direct or indirect relationship with indigenous issues.

(d) Decisions with regard to the substance - i.e. advice given to the parent body (bodies) - shall be taken without a vote.

(e) The forum can take decisions with regard to its own procedure by simple or two thirds majority.

III. THE PLACE OF THE PERMANENT FORUM WITHIN THE UNITED NATIONS SYSTEM

24. As with the mandate of the forum, it is clear that there are two schools of thought on the question of where the permanent forum should be placed within the United Nations system. One school of thought - a minority view - has a clear preference for creating the permanent forum as a subordinate body under the Commission on Human Rights. The other school expressed as its

view that the issues at stake are of a more comprehensive nature and therefore the permanent forum should be placed directly under the Economic and Social Council. A number of indigenous representatives expressed the view that the forum should be placed at an even higher level within the United Nations system.

25. It was argued by some governmental delegations that as the mandate of the ad hoc working group originated with the Commission, it would be impossible to put the forum directly under the Economic and Social Council. But as the Council will in any case have to decide on the establishment of the permanent forum, one might question the validity of this reasoning.

26. As many of the questions are dealt with within the Economic and Social Council and as the functional commissions of the Council have a direct link to indigenous issues, it seems not unreasonable to place the forum directly as a subsidiary body under the Economic and Social Council.

27. As already discussed, the character of the permanent forum is likely to be that of an advisory body. Therefore, the request from several sides to establish the permanent forum as a new functional commission under the Economic and Social Council seems difficult to realize.

28. The view of many - that the forum should have a membership consisting both of governmental and indigenous representatives - can be seen as contradicting the idea of establishing the forum as a functional commission of the Economic and Social Council. The distinct character of the forum will be that of (presumably) the first United Nations body with a "mixed membership". This sui generis character leads to the conclusion that it should not be set up as a "sister body" to the more traditional United Nations bodies.

29. On the assumption that the forum would be a subordinate body of the Economic and Social Council, the question of its links to other subordinate bodies of the Council remains to be solved. As a subordinate body of the Economic and Social Council, it could be requested to give its advice to the Council through, or cooperate with, the functional and other commissions. Equally, it will have to be decided whether such a position as a subsidiary body of the Economic and Social Council would preclude the forum giving direct advice to other subsidiary bodies under all circumstances.

30. Obviously, if the Council were to seek direct advice from the forum on a matter it has under review, the forum should be allowed to give that advice directly. On the other hand, it should remain possible for any of the functional commissions to seek direct advice from the forum, be it only in order to carry out its own work more effectively.

31. In cases where the advice of the forum is not asked for but the forum itself feels it is important to give its comments, the question of the "routing" of that advice cannot be easily solved. It seems that the forum itself is best placed to decide on the advisability of expressing its views directly to the Economic and Social Council or through one of the functional commissions.

32. Much will depend on the practice that the forum develops. It is not unreasonable to leave this question open for the moment. During the evaluation of the initial period, a close look should again be taken at these questions.

RECOMMENDATION VI

(a) The permanent forum should be set up as an advisory body to the Economic and Social Council.

(b) It may exercise its advisory role either directly or indirectly (i.e. through any of the other subsidiary bodies of the Economic and Social Council).

(c) If the advice is requested expressly by the Economic and Social Council or one of its subsidiary bodies, the advice will given to the body indicated in the request.

(d) If the initiative for the advice stems from the forum, it shall be given to the Economic and Social Council and/or such subsidiary bodies of the Council as deemed appropriate by the forum.

(e) The forum may send its advisory opinions to one or more subsidiary bodies of the Economic and Social Council.

(f) On questions of its own procedure, where necessary and/or appropriate, the forum shall send draft decisions directly to the Economic and Social Council for endorsement.

IV. THE FORMAT (NAME, MEMBERSHIP, CONSTITUTION) OF THE FORUM

General remarks

33. Many technical issues relating to the format of the forum will have to be settled. Although a large number of these questions may seem trivial, they could have a serious bearing on the possibilities of establishing the forum. For this reason, it is necessary to deal with these issues in some detail. A number of suggestions that should enhance the viability and feasibility of setting up the forum will be formulated below. At the same time, and in order to enhance the "ownership" of all concerned, many of the questions related to procedure should be dealt with in more depth by the forum itself. The choices to be made after the initial phase and the evaluation thereof would greatly benefit from a decision-making process in the forum itself, which could - in a creative manner - make use of the wealth of ideas brought forward during the consultations.

The name of the forum

34. In the past, some lengthy and, at first glance, rather semantic discussions took place concerning "indigenous people" versus "indigenous peoples". The importance of the implications of the use of either term should not be minimized. A solution has not yet been found. A way around this conflict would be to call the forum "The Permanent Forum on Indigenous Issues". In this regard, it is useful to recall that in the Commission on Human Rights the name of the relevant agenda item is "Indigenous issues".

How to define the composition of the forum

35. During the consultations, the question of how to define the composition of the forum was raised. Suggestions were made as to the number of members, the representational character of the members, and the possibility of the members having equal status (governmental representatives, indigenous representatives, expert members).

36. The general outcome of the discussion was that an assembly on indigenous issues should elect or select the members of the forum on indigenous issues. Such an assembly could be composed of representatives of Governments (States members of the United Nations and observers such as Switzerland, the Holy See and the Palestine Liberation Organization) and of indigenous organizations. The formula for inviting the indigenous representatives could be the one that is used at present for inviting organizations and individuals to attend the working groups of the Commission on Human Rights.

37. During the first days of the assembly, the modalities for electing or selecting the membership of the forum should be discussed with the following thoughts in mind:

(a) There should be an equal number of governmental and indigenous representatives;

(b) The governmental representatives would elect/select the members representing them and the indigenous would elect/select the membership representing them;

(c) The members of the forum would participate in their personal capacity, but as a group the two types of members would represent the group that had chosen them;

(d) The members representing each side should be representative of the group as a whole.

38. This could mean that each regional group on the government side would elect/select a number of members to be defined (e.g. in a distribution not unlike that of the membership of the Economic and Social Council), whereas the indigenous peoples would choose their members according to the same or another type of regional grouping. It should be noted that suggestions were made concerning the distribution of the indigenous peoples according to the following groups: a Northern Europe/North American/Arctic group, a North Asian group (notably with Russian-speaking indigenous peoples), a Latin American group, a South Pacific group of

Australia, New Zealand and the South Pacific countries, an African group, and an Asian group. The composition of these (or other) groups should be defined by the indigenous representatives themselves.

39. Equally, the distribution of seats among the different regional indigenous groups should be defined by the indigenous representatives. The question of the number of members was discussed.

The number of members/officers

40. It was clear that the number of members of the forum should neither be too high (questions of cost, efficiency and effectiveness would arise), nor too low (representation of regions might be jeopardized). A figure of between 20 and 30 seems a logical choice. In order to have an equitable approach, consideration could be given to both groups - governmental and indigenous representatives - co-chairing the forum. Although some governmental representatives objected for legal reasons to establishing the forum on the basis of "equal status", they were less concerned about "equitable status". Other positions, such as that of Vice-Chairperson and Rapporteur, should be held jointly as well.

41. The term of office of members should be for a number of years (two, three or four). A limitation on the number of terms was suggested, in order to get a good mix of experience and "fresh ideas". As there seems to be a trend within the United Nations to limit terms of office, this idea deserves careful consideration.

Observers to the Forum

42. Many suggestions were made with regard to the possibility of appointing observers to the forum. One of the suggestions was that the members of the WGIP should automatically be named as observers to the forum. Others objected, stating that observers should be invited on the basis of the item to be discussed, e.g. in discussing traditional health care, observers from WHO and the World Intellectual Property Organization could be invited and when education is on the agenda, observers from UNESCO and UNICEF should be invited. Furthermore, it was argued that the relationship between WGIP and the forum could be construed in a different way, e.g. by holding the meetings of the two bodies "back to back" (see recommendation II).

How to organize meetings

43. After the initial session of the assembly (i.e. the members of the forum, plus observers) that would act as the "constitutive assembly", the forum should have a yearly "open" session to which all participants would be welcome, in a manner not unlike that of the Sub-Commission on the Promotion and Protection of Human Rights. However, like the Sub-Commission, the forum should be able to hold closed meetings.

44. The forum - or its Bureau - should be allowed to hold meetings at regular intervals, e.g. every four or six months, in order to deal with urgent and procedural matters.

Rules of procedure

45. Recommendations V (e) and VI (f) suggest that the forum should be able to discuss and decide on its own rules of procedure. In a number of other parts of this report, it is stated that the responsibility for the functioning of this new type of body is clearly in the hands of the forum (and the assembly) itself. The overall idea is that Governments and indigenous people should be able to cooperate in a non-divisive manner, with a view to enriching the debate on indigenous issues in and throughout the United Nations. Having thus set the goal, it was strongly argued by many that the forum should not be told how to fulfil that mandate, but that it should rather be given the responsibility to organize its own work.

Financial matters and venue

46. Throughout this report, the innovative character and the importance of the initial phase of this new body, the Forum on Indigenous Issues, have been emphasized. During the consultations, there was some opposition to establishing the forum for financial reasons. The cost of WGIP and the working group on the draft United Nations declaration on the rights of indigenous peoples was, in the view of these delegations, already considerable. Admittedly, the costs of the forum could be rather high (one or two weeks of conference costs, travel costs of the members, per diems, secretariat costs, documentation).

47. In order not to create extra travel costs (for the secretariat) and with a view to limiting, to the maximum extent possible, the costs of extra personnel, it would be advisable to organize meetings of the forum and the assembly at the United Nations Office at Geneva. The Indigenous Project Team, which is responsible for organizing WGIP and the Commission's two working groups on indigenous issues, and for coordinating indigenous issues within the Office of the High Commissioner for Human Rights, and which has considerable experience in United Nations system-wide cooperation on this question, would be very well placed to service the assembly and forum, so that there should be no need to establish a wholly new secretariat. Obviously, an increase in the personnel in this small part of the secretariat should be envisaged.

48. The overall cost of the forum (including conference and documentation costs) might thus be limited to US$ 400,000-600,000 annually. This is still a considerable sum, taking into account the precarious financial situation of the United Nations. It is for this reason that suggestions were made to finance the initial phase of the forum through voluntary contributions, as a part of the activities of the Decade.

49. As further decisions on the forum - and on WGIP - will have to be taken towards the end of the Decade in 2004, this could see the forum through its first years. When (if) the forum is held annually, it would be only logical to fund the operations of the forum through the regular budget.

The alternative approach: the "ILO model"

50. Finally, one procedural question has to be dealt with. A number of countries proposed a different set-up to secure the participation of indigenous representatives, based upon the participation of workers and employers in the work of the International Labour Organization. The idea would be to set up national delegations that have a "government side" and an "indigenous side".

51. Although this idea certainly has merits, a number of governmental and indigenous representatives had serious reservations. It was said that it could lead to the exclusion of persons and organizations (and peoples) that are not considered to be "indigenous". Furthermore, Governments, when deciding upon the composition of their delegations, could try to choose individuals who support the views of the Government.

52. The advocates of the "ILO model" maintained that a number of rules or principles could be determined in order to exclude such practices. Taking into account the opposition to this model, it would be advisable to study the idea further during the initial phase of the forum and to consider it fully at the time the assessment of the initial phase is made. The Governments that suggested this approach might wish to put forward proposals during the first few sessions of the forum.

RECOMMENDATION VII

(a) Decisions on procedural matters, on such issues as the name, should be taken only for the initial period.

(b) In this initial phase, an Assembly on Indigenous Issues should be requested to elect/select a Permanent Forum on Indigenous Issues.

(c) The Forum on Indigenous Issues should consist of an equal number of members selected by governmental representatives and members selected by indigenous participants.

(d) The membership of the Forum on Indigenous Issues should reflect the geographical and cultural diversity of the world in an equitable manner.

(e) The Forum on Indigenous Issues should have between 20 and 30 members.

(f) The Forum on Indigenous Issues can invite experts to participate in its meetings on a case-by-case basis.

(g) The Assembly and Forum on Indigenous Issues should meet annually and jointly in Geneva.

(h) The secretariat of the Forum on Indigenous Issues could be located in the Office of the High Commissioner for Human Rights.

(i) The Forum on Indigenous Issues should propose its own rules of procedure, taking into account its specificity and dual membership. Office-holders (Chair, Vice-Chair and Rapporteurs) should exercise their positions jointly.

(j) At the end of the initial phase, the idea of the "ILO model" should be fully considered, preferably on the basis of concrete proposals.

(k) In its initial phase the Forum on Indigenous Issues should be financed through voluntary contributions. Thereafter, it should be financed under the regular budget of the United Nations.